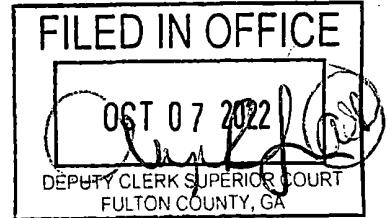


## **EXHIBIT B-116**

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



IN RE: )  
SPECIAL PURPOSE GRAND JURY ) 2022-EX-000024  
)  
Witness: ) Judge Robert C. I. McBurney  
Newton Leroy Gingrich )

PETITION FOR CERTIFICATION OF NEED FOR TESTIMONY BEFORE  
SPECIAL PURPOSE GRAND JURY PURSUANT TO THE UNIFORM ACT TO  
SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT THE STATE,  
CODIFIED IN THE STATE OF GEORGIA AS O.C.G.A. § 24-13-90 ET SEQ.

COMES NOW the State of Georgia, by and through Fani T. Willis, District Attorney, Atlanta Judicial Circuit, Fulton County, Georgia, and petitions this Honorable Court for a Certificate of Need for Testimony Before Special Purpose Grand Jury, pursuant to O.C.G.A. § 24-13-92 et seq., and in support thereof says as follows:

1. A Special Purpose Grand Jury investigation commenced in Fulton County, Georgia, by order of this court on May 2, 2022. *See Order Impaneling Special Purpose Grand Jury Pursuant to O.C.G.A. § 15-12-100, Et Seq, "Exhibit A".* The Special Purpose Grand Jury is authorized to investigate any and all facts and circumstances relating directly or indirectly to possible attempts to disrupt the lawful administration of the 2020 elections in the State of Georgia. *See Letter Requesting Special Purpose Grand Jury, "Exhibit B".*
2. While Georgia law authorizes special purpose grand juries to conduct both civil and criminal investigations, the Special Purpose Grand Jury's investigation is criminal in nature in that it was requested for the purpose of investigating criminal disruptions related to the 2020 elections in Georgia, and the Special Purpose Grand Jury is

authorized to make recommendations concerning criminal prosecution. Further, the authority for a special purpose grand jury to conduct a criminal investigation has been upheld by the Supreme Court of Georgia. *See State v. Lampl*, 296 Ga. 892 (2015).

Accordingly, the provisions of the Uniform Act to Secure the Attendance of Witnesses from Without the State apply pursuant to O.C.G.A. § 24-13-92 et seq.

3. Newton Leroy Gingrich, born June 17, 1943, (hereinafter, “the Witness”) is a necessary and material witness to the Special Purpose Grand Jury’s investigation. Through both its investigation and through publicly available information, the State has learned the following information.
  4. According to information made publicly available by the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol, the Witness was involved, along with others known to be associated with the Trump Campaign, in a plan to air television advertisements that “repeated and relied upon false claims about fraud in the 2020 election” and “encouraged members of the public to contact their state officials and pressure them to challenge and overturn the results of the election” based on these false claims. These television advertisements were purportedly aired in the days leading up to December 14, 2020, when both legitimate and, in several states, non-legitimate electors met to cast electoral college votes, and they were purportedly personally approved by former President Donald Trump.
  5. According to information made publicly available by the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol, on or about December 8, 2020, the Witness urged the Trump

Campaign “to air advertisements promoting the false narrative that election workers had smuggled suitcases containing fake ballots at the State Farm Arena in Atlanta, Georgia.”

6. According to information made publicly available by the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol, on or about December 8, 2020, the Witness wrote an e-mail to individuals known to be associated with the Trump Campaign, stating “The goal is to arouse the country’s anger through new verifiable information the American people have never seen before[.] . . . If we inform the American people in a way they find convincing and it arouses their anger[,] they will then bring pressure on legislatures and governors.”
7. According to information made publicly available by the United States House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol, the Witness was also involved in the plan to have Republican electors meet and cast electoral college votes in Georgia and other states where President Joseph Biden had been declared the winner of the 2020 election. On or about November 12, 2020, the Witness reportedly wrote an e-mail to former White House Chief of Staff Mark Meadows and former White House Counsel Pat Cipollone, stating “Is someone in charge of coordinating all the electors? [Randy] Evans makes the point that all the contested electors must meet on [D]ecember 14 and send in ballots to force contests which the house would have to settle.”
8. The Witness, based on his involvement with individuals known to be associated with the Trump Campaign, is a necessary and material witness. The Witness possesses

unique knowledge concerning the circumstances surrounding public television advertisements relying on false claims of election fraud, the meetings of Republican electors in various states on December 14, 2020, and communications between himself, the Trump Campaign, and other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 2020 election in Georgia and elsewhere. Finally, the Witness's anticipated testimony is essential in that it is likely to reveal additional sources of information regarding the subject of this investigation.

9. The testimony of the Witness will not be cumulative of any other evidence in this matter.
10. The Witness resides outside the jurisdiction of this Honorable Court and is therefore unable to be served with process to compel attendance and testimony.
11. The Witness currently resides in McLean, Fairfax County, Virginia.
12. The Witness will be required to be in attendance and testify before the Special Purpose Grand Jury on Wednesday, November 16, 2022, at 9:00 a.m. The District Attorney reasonably anticipates that the Witness's testimony will not exceed one day.
13. The Office of the Fulton County District Attorney, in and for the State of Georgia, will pay all reasonable and necessary travel expenses and witness fees required to secure the Witness's attendance and testimony, in accordance with the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings.  
*See O.C.G.A. §24-13-90 et seq.*
14. If the Witness comes into the State of Georgia pursuant to this request, directing the Witness to attend and testify before the Special Purpose Grand Jury, the laws of this

State shall give the Witness protection from arrest and from service of civil or criminal process, both within this State and in any other state through which the Witness may be required to pass in the ordinary course of travel, for any matters which arose before the Witness's entrance into this State and other states.

15. Both Georgia and Virginia have adopted the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. *See* O.C.G.A. § 24-13-90; Va. Code Ann. § 19.2-282 et seq.

**WHEREFORE**, the State of Georgia, by and through Fani T. Willis, District Attorney, Atlanta Judicial Circuit, Fulton County, Georgia, prays that this Honorable Court issue a Certificate of Need for Testimony Before Special Purpose Grand Jury, pursuant to O.C.G.A. § 24-13-92 et seq., certifying to the proper authorities in the jurisdiction in which the Witness is located that the Witness is a necessary and material witness whose attendance and testimony is required for the above-referenced Special Purpose Grand Jury investigation, and the presence of the Witness will be needed for the number of days specified above,

Respectfully submitted this the 7th day of October, 2022,

FANI T. WILLIS  
DISTRICT ATTORNEY  
ATLANTA JUDICIAL CIRCUIT



GA Bar No. 223955  
Atlanta Judicial Circuit  
136 Pryor Street Southwest  
Third Floor  
Atlanta, Georgia 30303

# **Exhibit A**

IN THE SUPERIOR COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT  
STATE OF GEORGIA

IN RE: REQUEST FOR  
SPECIAL PURPOSE  
GRAND JURY

2022 - ER 000024  
FILED IN OFFICE

JAN 24 2022  
1011 AM  
DEPUTY CLERK SUPERIOR COURT  
FULTON COUNTY, GA

ORDER APPROVING REQUEST FOR SPECIAL PURPOSE  
GRAND JURY PURSUANT TO O.C.G.A. §15-12-100, et seq.

The District Attorney for the Atlanta Judicial Circuit submitted to the judges of the Superior Court of Fulton County a request to impanel a special purpose jury for the purposes set forth in that request. This request was considered and approved by a majority of the total number of the judges of this Court, as required by O.C.G.A. §15-12-100(b).

IT IS THEREFORE ORDERED that a special purpose grand jury be drawn and impaneled to serve as provided in O.C.G.A. § 15-12-62.1, 15-12-67, and 15-12-100, to commence on May 2, 2022, and continuing for a period not to exceed 12 months. Such period shall not include any time periods when the supervising judge determines that the special purpose grand jury cannot meet for safety or other reasons, or any time periods when normal court operations are suspended by order of the Supreme Court of Georgia or the Chief Judge of the Superior Court. The special purpose grand jury shall be authorized to investigate any and all facts and circumstances relating directly or indirectly to alleged violations of the laws of the State of Georgia, as set forth in the request of the District Attorney referenced herein above.

Pursuant to O.C.G.A. § 15-12-101(a), the Honorable Robert C. I. McBurney is hereby assigned to supervise and assist the special purpose grand jury, and shall charge said special purpose grand jury and receive its reports as provided by law.

This authorization shall include the investigation of any overt acts or predicate acts relating to the subject of the special purpose grand jury's investigative purpose. The special purpose grand jury, when making its presentments and reports, pursuant to O.C.G.A. §§ 15-12-71 and 15-12-101, may make recommendations concerning criminal prosecution as it shall see fit. Furthermore, the provisions of O.C.G.A. § 15-12-83 shall apply.

This Court also notes that the appointment of a special purpose grand jury will permit the time, efforts, and attention of the regular grand jury(ies) impaneled in this Circuit to continue to be devoted to the consideration of the backlog of criminal matters that has accumulated as a result of the COVID-19 Pandemic.

IT IS FURTHER ORDERED that this Order shall be filed in the Office of the Clerk of the Superior Court of Fulton County.

SO ORDERED, THIS 24 DAY OF January, 2022.

CHRISTOPHER S. BRASHER, CHIEF JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

# **Exhibit B**

OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY  
ATLANTA JUDICIAL CIRCUIT  
136 PRYOR STREET SW, 3RD FLOOR  
ATLANTA, GEORGIA 30303

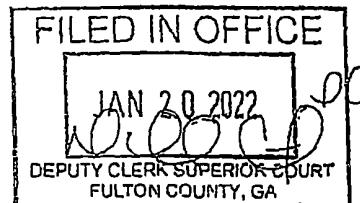
*Fani T. Willis*  
District Attorney



TELEPHONE 404-612-4639

The Honorable Christopher S. Brasher  
Chief Judge, Fulton County Superior Court  
Fulton County Courthouse  
185 Central Avenue SW, Suite T-8905  
Atlanta, Georgia 30303

2022-EX-000017



January 20, 2022

Dear Chief Judge Brasher:

I hope this letter finds you well and in good spirits. Please be advised that the District Attorney's Office has received information indicating a reasonable probability that the State of Georgia's administration of elections in 2020, including the State's election of the President of the United States, was subject to possible criminal disruptions. Our office has also learned that individuals associated with these disruptions have contacted other agencies empowered to investigate this matter, including the Georgia Secretary of State, the Georgia Attorney General, and the United States Attorney's Office for the Northern District of Georgia, leaving this office as the sole agency with jurisdiction that is not a potential witness to conduct related to the matter. As a result, our office has opened an investigation into any coordinated attempts to unlawfully alter the outcome of the 2020 elections in this state.

We have made efforts to interview multiple witnesses and gather evidence, and a significant number of witnesses and prospective witnesses have refused to cooperate with the investigation absent a subpoena requiring their testimony. By way of example, Georgia Secretary of State Brad Raffensperger, an essential witness to the investigation, has indicated that he will not participate in an interview or otherwise offer evidence until he is presented with a subpoena by my office. Please see Exhibit A, attached to this letter.

Therefore, I am hereby requesting, as the elected District Attorney for Fulton County, pursuant to O.C.G.A. § 15-12-100 et. seq., that a special purpose grand jury be impaneled for the purpose of investigating the facts and circumstances relating directly or indirectly to possible attempts to disrupt the lawful administration of the 2020 elections in the State of Georgia. Specifically, a special purpose grand jury, which will not have the authority to return an indictment but may make recommendations concerning criminal prosecution as it shall see fit, is needed for three reasons: first, a special purpose grand jury can be impaneled by the Court for any time period required in order to accomplish its investigation, which will likely exceed a normal grand jury

term; second, the special purpose grand jury would be empowered to review this matter and this matter only, with an investigatory focus appropriate to the complexity of the facts and circumstances involved; and third, the sitting grand jury would not be required to attempt to address this matter in addition to their normal duties.

Additionally, I am requesting that, pursuant to O.C.G.A. § 15-12-101, a Fulton County Superior Court Judge be assigned to assist and supervise the special purpose grand jury in carrying out its investigation and duties.

I have attached a proposed order impaneling the special purpose grand jury for the consideration of the Court.

Respectfully,  
  
Fani T. Willis  
District Attorney, Atlanta Judicial Circuit

Exhibit A: Transcript of October 31, 2021 episode of *Meet the Press* on NBC News at 26:04  
(video archived at <https://www.youtube.com/watch?v=B71cBRPgt9k>)

Exhibit B: Proposed Order

cc:

The Honorable Kimberly M. Esmond Adams  
The Honorable Jane C. Barwick  
The Honorable Rachelle Carnesdale  
The Honorable Thomas A. Cox, Jr.  
The Honorable Eric Dunaway  
The Honorable Charles M. Eaton, Jr.  
The Honorable Belinda E. Edwards  
The Honorable Kelly Lee Ellerbe  
The Honorable Kevin M. Farmer  
The Honorable Ural Glanville  
The Honorable Shakura L. Ingram  
The Honorable Rachel R. Krause  
The Honorable Melynee Leftridge  
The Honorable Robert C.I. McBurney  
The Honorable Henry M. Newkirk  
The Honorable Emily K. Richardson  
The Honorable Craig L. Schwall, Sr.  
The Honorable Paige Reese Whitaker  
The Honorable Shernela J. Williams  
Fulton County Clerk of Superior Court Cathelene "Tina" Robinson